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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/508,955

10/04/2004

Yukihiko Minamida

80653(47762)

7477

21874

7590

10/21/2008

EDWARDS ANGELL PALMER & DODGE LLP

P.O. BOX 55874

BOSTON, MA 02205

EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/508,955</p>	<p>Applicant(s) MINAMIDA ET AL.</p>	
	<p>Examiner Jeff H. Aftergut</p>	<p>Art Unit 1791</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): the rejections of claim 4.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-3, 10-12, 15, 16 and 19-22.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 10-9-08

13. ☐ Other: _____.

/Jeff H. Aftergut/
Primary Examiner
Art Unit: 1791

Continuation of 11. does NOT place the application in condition for allowance because: The claims have been amended to recite the specific materials which are laminated upon the wooden substrate bearing the hot melt adhesive coating thereon. The applicant argues that the references fail to teach the attachment of a flexible thin material to a wooden substrate wherein the resulting laminate is smooth and without wrinkles. The applicant is advised that the thickness of the material laminated upon the wood is NOT recited in the claims and additionally the flexibility of the laminate which is bonded upon the wood is NOT defined in the claims. The claims in this sense are clearly not commensurate in scope with the applicant's arguments. As to the "unexpected results" of the invention as characterized by the comparison in the specification, the applicant is advised that the results are clearly not unexpected. Note that the reference to Nichols expressly stated that in order to apply the hot melt glue evenly and uniformly it was known to operate the coating roller in a direction opposite to the direction of feed of the substrate being coated. The reference goes on to state that it is also possible to attain smooth and uniform coatings of hot melt adhesive by moving the substrate and the coating roller in the same direction so long as there is a speed differential of at least 25% between the substrate being coated and the application roller when applying a hot melt adhesive, see column 2, line 54-column 3, line 4 of Nichols. The applicant addresses each of the prior art references in a vacuum of the others for what they would have taught when viewed as a whole. The applicant FAILED to make mention of the admitted prior art which clearly was to provide a coating upon a wooden substrate and laminate to the same a decorative foil or film thereon. Thus, one viewing the admitted prior art in view of Nichols for example would have known to operate the coating roller at a speed which was different from the speed the substrate was fed through the system by at least 25% in order to provide a smooth and even coating of hot melt adhesive thereon. As there are no "unexpected results" and the motivation to make the combination has been clearly provided, no claims are allowed and the final rejection stands. The IDS submitted 10-9-08 has been considered.